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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,704	06/25/2001	Naresh C. Patel	9656-2(148968)	8740

23973 7590 06/18/2003

DRINKER BIDDLE & REATH
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

NGUYEN, THUKHANH T

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 06/18/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,704

Applicant(s)

PATEL, NARESH C.

Examiner

Thu Khanh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayer et al (5,071,607) in view of Matthes (6,186,762).

Ayer et al disclose an apparatus for forming tablets, comprising a round upper punch member (39) and a round lower punch member (14), an upper punch casing (38) and a lower punch casing (13), a spring (22, 42) for reciprocating the upper and lower punches within the upper and lower casings, a die plate (43), wherein the central opening in each of the lower punch casings including a bore (13) extending to a terminal end, and includes a die portion extending from the terminal end of the bore to an end of the casing, and an opening defining a material chamber extending through the die portion and communicating with the bore (Fig. 1).

The lower punch member (14) includes a central body portion (20) slidably received in the bore (13) and a mold shaft (19) extending from one end of the body portion, and a portion of the mold shaft (19) being slidably received in the chamber of the die portion (Fig. 2).

The upper punch member includes a mold projection (40) extending from one side of a central body portion (39), and an upper mold recess (31). The lower punch member includes a lower mold recess (11), which is similar in size and shape with the upper mold recess to compress tablets. Wherein the body portion of the upper punch extends above an upper surface

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of the upper punch casing (Fig. 2, 38, 40), the body portion (39) having an upper retention flange (35), the first biasing ring (42) located in between the retention flange and the upper surface of the upper punch casing, the second biasing ring (22) located between the central body portion (13) of the lower punch and the lower punch (20) and within the central opening (23) of the lower punch casing.

Ayer et al, however, fails to disclose an upper carousel, a lower carousel for support a plurality of punch casings, and upper and lower rollers engaging the upper and lower punches.

Matthes discloses a pressure roller units for using in rotary press, comprising an upper and lower carousel (30) for supporting a plurality of upper and lower punches (56, 57), a die plate (55), and upper and lower pressing rollers (40, 50) for reciprocating the upper and lower punches toward and away from the die plate to form tablets with a predetermined thickness (col. 1, lines 54-66).

Ayer et al disclose that its pressing apparatus could be used in conjunction with reciprocating or rotary tableting machines (col. 3, lines 9-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modify Ayer et al by providing a rotary die with a plurality of upper and lower punches supported by upper and lower carousels and upper and lower pressure rollers for compressing powder material as taught by Matthes, because the rotary die with a plurality of upper and lower punches would enable the apparatus to form more tablets than a press with a single pressing unit; while the pressing rollers would absorb strong pressing forces created during pressing.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167.

The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN
June 12, 2003


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300 / 1700

6/13/03